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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/755,887	01/12/2004	Kevin Hsu	14169 B	1559
23595	7590	07/12/2005	EXAMINER	
NIKOLAI & MERSEREAU, P.A. 900 SECOND AVENUE SOUTH SUITE 820 MINNEAPOLIS, MN 55402			ZEADE, BERTRAND	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 07/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/755,887

Applicant(s)

HSU, KEVIN

Examiner

Bertrand Zeade

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.)
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4, 5 and 7-12 is/are rejected.
- 7) ☒ Claim(s) 3 and 6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-2 are rejected under 35 U.S.C. 102(e) as being anticipated by Wu (U.S.6,709,134) B2.

Regarding claim 1, Wu ('134) discloses a shade (lines 49-52), a first ring (13, in fig. 2) fixed on a first end of the shade as shown in (fig. 2); a second ring fixed (21, in fig. 2) on a second end of the shade; and a support structure or shade fabric (4, in fig. 2) mounted in the shade and located between the first ring (1) and the second ring (2) for supporting the shade, wherein the support structure includes a main frame (3) mounted between the first ring and the second ring to stretch the shade, and a support portion mounted on the main frame.

Regarding claim 2, the main frame (3, in fig. 4) is substantially inverted U-shaped.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4-5, 7-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wu (6,709,134) in view of Lee (U.S.6,869,207) B2.

Wu ('134) discloses the claimed invention except for locking sockets and support bars.

However Lee ('207) discloses a lampshade having:

Regarding claim 4, the second ring (11, in fig. 2) has a periphery formed with a plurality of locking lugs analogous locking sockets (12, in fig. 2), and the main frame has a second portion formed with two locking ends each locked in either one of the locking sockets of the second ring.

20 Regarding claim 5 as shown in (fig. 2), the support structure further includes a plurality of support bars (2) mounted between the first ring (10) and the second ring (11).

Regarding claim 7 as shown in (fig. 6), the support portion has a periphery formed with a plurality of locking holes or slots (120), and each of the support bars (2) has a first end formed with an insert inserted into a respective one of the locking holes of the support portion.

Regarding claim 8 as shown in (fig. 7), each of the support bars (2) is substantially inverted L-shaped.

Regarding claim 9 as shown in (fig. 6), the second ring (11) has a periphery formed with a plurality of locking sockets or lugs (12), and each of the support bars (2) has a second end formed with a locking end (20) locked in a respective one of the locking sockets of the second ring (11).

Regarding claim 10, the support portion is ring-shaped and is mounted on the main frame by soldering well known in the art.

Regarding claim 11, the support structure is foldable (col. 2, lines 56-65).

Regarding claim 12, the shade is made of flexible material (col. 2, lines 50-51).

In regards to claims 4 and 5, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the lampshade structure of Wu, to include the locking sockets and support bars as taught by Lee, in order to provide each of the support bars having two ends formed with a locking means that can be inserted into the locking slide slot of the respective locking system similar to a locking socket, thereby enhancing the structural strength of the lampshade.

Allowable Subject Matter

5. Claims 3 and 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: None of the prior art of record suggests the first portion formed with two bent urging portions each urged on a periphery of the first ring.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Wu (U.S. 6,698,910) discloses a foldable structure of a two-layer lampshade.

Contact information

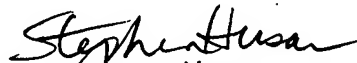
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bertrand Zeade whose telephone number is 571-272-2387. The examiner can normally be reached on 9:30 AM-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571-272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Bertrand Zeade
Examiner
Art Unit 2875


(Stephen Husar
Primary Examiner